

**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**WATER DIVISION**

**P.O.BOX 1105**

**Richmond, VA 23218**

**SUBJECT:** Guidance Memo No. 12-2001  
Determining Compliance with the use of a VELAP Laboratory for VPDES and VPA Reporting

**TO:** Regional Directors

**FROM:** Melanie D. Davenport, Director



**DATE:** April 20, 2012

**COPIES:** James Golden, Regional Directors, Regional Water Compliance Managers, Regional Water Permit Managers, Kathleen O'Connell, Fred Cunningham, Neil Zahradka

**Summary:**

The purpose of this guidance is to assist the Regional Office Inspectors in determination and verification that VPDES and VPA required data submitted to DEQ adheres to Virginia Environmental Laboratory Accreditation Program (VELAP) requirements.

**Electronic Copy:**

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the general public on DEQ's website at: <http://www.deq.virginia.gov>.

**Contact information:**

Please contact Steve Stell, Office of Water Permits and Compliance Assistance, at (804) 698-4305 or [Steven.Stell@deq.virginia.gov](mailto:Steven.Stell@deq.virginia.gov) with any questions regarding the application of this guidance.

**Disclaimer:**

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

## **Determining Compliance with the use of a VELAP Laboratory for VPDES and VPA Reporting**

### Background

Under Section 2.2-1105 of the Code of Virginia, VELAP was established to certify environmental laboratories that perform tests, analyses, measurements or monitoring required pursuant to the Commonwealth's air, waste and water laws and their associated regulations. On January 1, 2009, 1 VAC 30, Chapter 45 (Certification for Noncommercial Environmental Laboratories), and 1 VAC 30, Chapter 46 (Accreditation for Commercial Environmental Laboratories) became effective.

Specifically, these regulations required certification/accreditation beginning January 1, 2012, for all laboratories that analyze samples and provide data used for purposes of the Virginia Air Pollution Control Law, the Virginia Waste Management Act or the State Water Control Law (§10.1-1300 et seq., §10.1-1400 et seq., and §62.1-44.2 et seq., respectively). VELAP certification/accreditation is administered by the Department of General Services – Division of Consolidated Laboratory Services (DCLS). A Memorandum of Understanding between DCLS and DEQ was implemented in 2009. The DCLS-DEQ Workgroup was established in 2009 and meets regularly. Extensive public outreach was undertaken by both DCLS and DEQ to help ensure permittees and all environmental laboratories were aware of the requirements.

There is a high degree of participation with VELAP including environmental laboratories both within and outside of the Commonwealth. On January 1, 2012 there were over 100 noncommercial environmental laboratories and over 100 commercial environmental laboratories (both within and outside of Virginia) with VELAP certification/accreditation. As of January 1, 2012 (the effective date requiring VELAP certification/accreditation) samples collected for VPDES and VPA requirements must be analyzed by a VELAP laboratory with the appropriate Fields of Certification. Because of outreach and staff discussion with permittees DEQ believes that virtually all environmental laboratories conducting DEQ required laboratory analyses for VPDES and VPA permits have VELAP certification or accreditation.

### Procedures

The following procedures will be used to ensure samples collected for VPDES and VPA requirements are analyzed by a VELAP laboratory.

1. During any inspection Regional Office inspectors should use the DCLS listings of VELAP Chapter 45 and/or Chapter 46 laboratories to verify a VELAP laboratory Fields of Certification. These lists are updated on a quarterly basis and are posted on DEQnet (<http://deqnet/documents/index.asp?path=%2Fdocs%2Fwater/VELAP%5FInfo>). Regional Office inspectors can ‘spot check’ Certificates of Analysis to determine if data is from a VELAP laboratory. Because of the apparent high compliance rate with VELAP certification/accreditation it is not necessary to check for VELAP accreditation during every inspection. On an annual basis approximately 10% of the Regional inspections should include ‘spot checking’ compliance with use of a VELAP laboratory(ies).

Guidance Memo No. 12-2001 – Determining Compliance with the use of a VELAP Laboratory for VPDES and VPA Reporting – Implementation

2. Regional Office staff may have knowledge or receive information indicating potential permittee noncompliance with VELAP certification/accreditation for VPDES or VPA reporting. In those cases Regional Office inspectors should follow up with the permittee to evaluate compliance. Where necessary the staff may conduct a risk based inspection to determine compliance with VELAP accreditation. Should noncompliance be determined, the procedures outlined in Item #6 would apply to reported data.
3. Regional Office staff will communicate relevant VELAP related noncompliance findings to CO staff who will in turn communicate these findings to DCLS. Examples include:
  - a. an inspector determines a permittee is using a non-VELAP laboratory,
  - b. an inspector determines a VELAP laboratory is continuing to analyze samples for any Field of Certification that has been suspended.
4. When Field of Certification suspensions or VELAP laboratory decertification occurs DCLS will notify DEQ CO. Upon notification by DCLS, DEQ CO staff will advise Regional Offices of FOC suspensions and VELAP laboratory decertifications.
  - a. Regional Offices will follow up with Chapter 45 noncommercial laboratory permittees following Field of Certification suspensions or laboratory decertification to ensure samples collected for VPDES and VPA requirements are being analyzed by a VELAP laboratory.
  - b. DEQ CO will follow up with Chapter 46 commercial laboratories following Field of Certification suspensions to ensure that samples for VPDES and VPA requirements are analyzed by a VELAP laboratory. CO will keep Regions informed of the commercial laboratory actions to address FOC suspensions.
5. If a permittee is reporting data from a non-VELAP laboratory, DEQ staff should request that the permittee take immediate action to ensure that future samples are analyzed by a VELAP accredited laboratory with the necessary Fields of Certification. The procedures outlined in Item #6 would apply to reported data.
6. Reported data that is not VELAP accredited should be rejected since the data is not representative. Inspection staff should refer the potential violation to the Compliance Auditor for point assessment. Points will be assessed for missing data and appropriate follow-up action (Warning Letter or Notice of Violations) will be taken according to the Compliance Auditing Manual (GM#02-2010 and its amendments).
7. Soils, manure, and plant tissue testing when performed for purposes of nutrient management are not required to be VELAP certified/accredited (2012 General Assembly Session [HB302](#) and [SB52](#)). Biosolids analyses do require VELAP certification/accreditation and compliance should be evaluated as described above.

Multimedia Information

As indicated above, VELAP requirements apply to all media – air, water, and waste. This memorandum is provided to specifically address water program issues as they pertain to VELAP. Related air and waste issues are addressed by separate memoranda.